IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Bail Appl..No. 7404 of 2006()

AGAINST THE ORDER IN CC. 399 /1999 -
LP.62/2005 of J.M.F.C.,ALATHUR

.....

: PETITIONER/ACCUSED:

K.A. ISMAIL, S/O.ABDUL KHADER,
KUNNAMKADU VEEDU, MOOLAMKODE P.O.,
PALAKKAD.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7404 OF 2006

DATED THIS THE 14TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the accused in Crime No.130/99 of Wadakkancherry Police Station for offences punishable under sections 279, 337 and 338 IPC, seeks anticipatory bail.

2. The case is now pending before the J.F.C.M., Alathur as C.C.No.399/99. Consequent on the non-appearance of the petitioner before that court, the case against him was split up and transferred to the long pending register as L.P.No.62/05. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

With this direction, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn